

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Tyler Perry Studios, LLC,

Petitioner,

v.

Kimberly Kearney,

Registrant

Cancellation No. _____

Registration No. 3,748,123

Mark: WHAT WOULD JESUS DO

77/371,640

PETITION FOR CANCELLATION

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Petitioner Tyler Perry Studios, LLC ("TPS"), a limited liability company organized under the laws of Georgia, having a business address 1801 Century Park West c/o Ziffren, Brittenham et al. Los Angeles, California 90067, believes it will be damaged by the continued registration of the mark WHAT WOULD JESUS DO in Registration No. 3,748,123 in connection with "entertainment services in the nature of an on-going reality based television program" in International Class 41, for which the owner of record is Kimberly Kearney ("Registrant") and Petitioner hereby petitions for cancellation of said registration.

As grounds for the cancellation, it is alleged that:

1. Petitioner is desirous of using the mark WHAT WOULD JESUS DO in connection with entertainment services in a variety of formats.



11-12-2010

Victor K. Sapphire, Esq.
Connolly Bove Lodge & Hutz LLP
333 S. Grand Avenue, Suite 2300
Los Angeles, California 90071
(213) 787-2523

2. On information and belief, Registrant has never used or has discontinued use of the mark WHAT WOULD JESUS DO with no intent to resume said use, thus abandoning the mark and rendering Registration No. 3,748,123 cancellable.

3. To support the sworn Declaration of Use filed in the registration, Registrant used a print-out of an Internet web page calling for auditions. Registrant has not demonstrated that the mark is or has been otherwise used in connection with "an ongoing reality television program", as set forth in the registration, in any manner beyond providing the web page print-out at the time of filing.

5. On information and belief, the contact information on the foregoing web page specimen comprises the email addresses "casting@whatwouldjesusdo.tv" and "production@whatwouldjesusdo.tv". Both email addresses resolve to the email address "info@coolexample.com". The domain name "coolexample.com" is not owned and/or operated by the Registrant. Rather, it is believed to be owned by the registrar GoDaddy.com, Inc. and the "info@coolexample.com" email address is used throughout GoDaddy's website-based tutorial materials as a fictitious example email address. Because "info@coolexample.com" is not a working email address, Registrant's "casting@whatwouldjesusdo.tv" and "production@whatwouldjesusdo.tv" addresses are likewise non-working addresses. This is inconsistent with the idea that an "ongoing reality television program" would have working points of contact.

4. On information and belief, there is no record of any production or broadcast of the services specified in the registration.

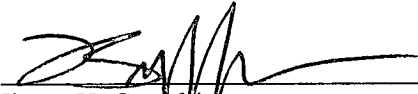
8. Registrant's registration is blocking Petitioner's Application. Petitioner's legal use and registration of WHAT WOULD JESUS DO will be impaired by continued registration of Registrant's mark and thus, Petitioner believes it will be damaged by the continuance of registrant's registration.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. Section 1063), Petitioner prays that this Cancellation be sustained and that Registration No. 3,748,123 be cancelled.

The Commissioner is hereby authorized to charge the required fee of three hundred dollars (\$300) to Deposit Account 50-3683.

Respectfully submitted,

Dated: 10/20/2010

By: 
Victor K. Sapphire
Attorneys for Petitioner
CONNOLLY BOVE LODGE & HUTZ LLP
Los Angeles, California 90071
(213) 787-2500

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing PETITION TO CANCEL is being transmitted via first-class mail addressed to the Registrant as follows:

Kimberly Kearney
P.O. Box 2436
Duluth GA 30096

Dated: 10/20/2010 By: 